

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

93-cr-44-bbc

DERRICK STANTON,

Defendant.

Defendant Derrick Stanton has moved for a sentencing reduction under 18 U.S.C. § 3582. He contends that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he is entitled to a reduction in his sentence. He is mistaken.

Defendant was sentenced on October 14, 1993 to a term of imprisonment of 324 months. His sentence was based on a total offense level of 40 and a criminal history category of II, resulting in a guideline imprisonment range of 324 to 405 months. Defendant was held accountable for a drug quantity of 419.261 grams of cocaine base.

On May 26, 2009, upon a stipulation between the government and counsel for defendant to reduce defendant's sentence under 28 U.S.C. § 3582, the court resentenced defendant to a term of imprisonment of 262 months. His sentence was based on an adjusted total offense level of 38 and an amended guideline imprisonment range of 262 to 327 months.

Under the most recent retroactive amendment, defendant's total offense level remains at 38, with the same guideline range of 262-327 months. Because the amendment does not have the effect of lowering defendant's guideline range, relief under § 3582 is not authorized.

ORDER

Defendant Derrick Stanton's motion for a reduction of sentence under 18 U.S.C. § 3582 is DENIED.

Entered this 22d day of February, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge